



SUBJECT: Community Service	PAGE <u> 1 </u> OF <u> 10 </u>
	NUMBER: 04-CMJ-03
RULE/CODE REFERENCE: Executive Order 02.01	SUPERSEDES: 04-CMJ-03 dated 09/23/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: October 4, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish operational policy and procedures for the community service program and provide guidelines for the writing of policies and post orders for community service projects involving offenders.

III. APPLICABILITY

This policy applies to all Ohio Department of Rehabilitation and Correction (DRC) institutions and Adult Parole Authority (APA) regions that provide community service partners with offender labor for community service projects inside and outside the institution and/or under APA supervision.

IV. DEFINITIONS

Community Service - Productive and meaningful work provided by offenders benefiting 501(c)(3) tax-exempt organizations: government agencies, schools, churches, charitable and non-profit organizations.

Community Service Coordinator (CSC) - Institution staff designated by the managing officer to identify and evaluate community service projects, coordinate procedures for approval of projects, and ensure the project and partnership data are entered into DOTS Portal for the completion of the community service monthly report.

Community Service Orientation - An overview of the community service program conducted during inmate orientation.

Community Service Partner - A school, government agency, church, or non-profit/charitable organization that can verify its 501(c)(3) or other tax-exempt status with either the Office of the Secretary of State or with the Internal Revenue Service of the Federal Government.

Community Service Program Administrator (CSPA) - The Director/designee shall designate an agency contact person responsible for overseeing and coordinating community service projects and activities department wide.

Inside Community Service Project - Community service work that is performed on the grounds of an institution.

Non-Profit/Charitable Organization - An organization that has received a 501(c)(3) tax-exempt status from the Internal Revenue Service, Department of the Treasury.

Outside Community Service Project - Community service work that is performed off the grounds of an institution.

Work Site Supervisor(s) - Staff designated to supervise offenders working on inside and outside community service projects.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to provide productive and meaningful community service work to schools, government agencies, churches, and non-profit/charitable organizations by using offender volunteers.

VI. PROCEDURES

A. General Conditions and Preparation

1. Each offender shall receive an overview of the community service program during inmate orientation. The deputy warden or staff person who oversees community service shall assign a designee to facilitate the overview during inmate orientation. The overview shall not apply to offenders under APA supervision.
2. Offender work performed for an institution, office, bureau, or division of DRC shall not be recorded as community service hours.
3. A Community Service Application (DRC4261) shall be completed by the community service partner and approved by the managing officer/designee prior to the acceptance of a community service project. The community service partner, excluding schools and government agencies, shall provide documentation to verify their 501(c)(3) status.
4. Prior to the acceptance of an outside community service project, the community service coordinator or individual designated by the managing officer shall visit the work site and complete the Community Service Work Site Plan (DRC4262) for final approval by the appointing authority.
5. When possible, an offender's skill should be properly matched with the community service assignment.

6. Offenders shall be transported to and from outside community service project work sites in accordance with DRC policy 310-SEC-03, Inmate Transportation. Prior to departure, the local law enforcement agency having jurisdiction of the work site shall be notified, advising them of the location of the work site, the name of the work site supervisor, and the number of offenders assigned.
7. In accordance with DRC policy 310-SEC-42, Supervision and Accountability of Level 1 Inmates, the Level 1 Inmate Observation (DRC2593) shall be completed by the work site supervisor(s) for every offender under his/her supervision when supervising offenders working off the grounds of an institution.
8. The work site supervisor shall also carry a photo pouch containing a set of photographs of the offenders assigned to the work crew.

The immediate supervisor of the work site supervisor shall conduct a security inspection of all offender work sites located outside the secured perimeter of the institution utilizing the Level 1 Worksite Inspection (DRC2700).

9. Offenders working off the grounds of an institution shall have access to adequate restrooms, breaks, meals, and liquids.
10. Work site supervisor(s) may search offenders at any time. Staff shall comply with appropriate policy and procedures governing offender searches. If contraband is found, the work site supervisor(s) shall do the following:
 - a. Handle the contraband pursuant to DRC policy 310-SEC-43, Handling and Disposition of Contraband, and contact the shift supervisor at the institution for instructions;
 - b. Secure or lock the contraband in the contraband container and complete the contraband log;
 - c. Contact the local Ohio State Highway Patrol Post for the proper handling of major contraband (e.g., weapons, ammunition, credit cards, drugs and/or drug paraphernalia, etc.).
11. The work site supervisor(s) shall follow the institution post order whenever an offender working off grounds of an institution requires medical treatment. If there is a serious injury of an offender requiring transportation to an emergency room, the institution post order may specify a separate appropriate procedure, dependent on whether one or more supervisors are assigned and present at the community service project work site. Under no circumstances shall uninjured offenders be left unsupervised.
12. In the event of an escape or walk-away, the work site supervisor(s) shall follow the institution post order. The institution post order may specify a separate appropriate procedure, dependent on whether one or more supervisors are assigned and present at the community service project work site. Under no circumstances shall the remaining offenders be left unsupervised.

B. Community Service Referral Process

The following process shall be followed when referring a community service project request to an institution:

1. A prospective community service partner shall contact the community service program administrator (CSPA) or community service coordinator (CSC).
2. The CSPA/CSC shall verify the partner status (new or established partner) and screen for eligibility (i.e., government agency, school, church, or non-profit/charitable organization) and the type of project requested.
3. If not eligible, the CSPA/CSC shall contact the organization and advise them of the reason the DRC cannot assist with the project requested. If eligible, the CSPA shall refer the community service partner to the appropriate CSC.
4. The community service partner shall abide by federal laws and regulations governing the employment or work to be performed by inmates manufacturing or producing goods, wares or merchandise. The community service partner assumes the responsibility of informing itself of these laws and regulations; however, attached below is Title 18 U.S.C. Section 1761 (Attachment A), and this law is important if the community service partner is engaged in interstate commerce. Generally, that federal law prohibits the sale of inmate-made goods in interstate commerce. That law does provide for a governmental-use or agricultural commodities/parts, exemption. Any violation of this federal law will result in immediate termination of this community service project for illegality.

C. Inside Community Service Project Process

The following process shall be followed when completing a community service project on the grounds of an institution:

1. The CSC who receives a request for community service support from a new or established community service partner shall forward the Community Service Application (DRC4261) to the partner for completion. The partner shall complete and return the application with verification of tax-exempt status, if applicable, to the CSC.
2. The CSC/designee shall review the application to ensure completion. If incomplete, the CSC/designee shall forward the incomplete application to the partner requesting additional information. The partner must complete the cost savings analysis section of the application (DRC4261). A community service project shall not be approved if the application is incomplete and the verification of tax-exempt status is not supplied, if applicable.
3. If complete, the CSC shall forward the application with a recommendation to the managing officer/designee for approval/disapproval. The managing officer/designee shall approve or disapprove the Community Service Application (DRC4261).

4. If disapproved, the CSC/designee shall forward written notification of the decision to the community service partner. If approved, the CSC/designee shall contact the community service partner and coordinate the delivery of supplies and materials to the appropriate site.
5. The CSC/designee shall initiate the community service project by entering the required information from the application into DOTS Portal to complete section 1 of the Community Service Hours Tracking (DRC4368) electronically and forward the form to the work site supervisor(s) assigned to supervise the project.
6. The work site supervisor(s) shall complete section 2 of the Community Service Hours Tracking (DRC4368) when the offender(s) begin working on the project.
7. The work site supervisor(s) shall forward the Community Service Hours Tracking (DRC4368) to the individual responsible for entering the community service data into the DOTS Portal. All data must be entered on or before the 7th calendar day of the month.
8. Upon project completion, the work site supervisor(s) shall notify the CSC/designee to arrange project pick-up. Within one (1) week of project completion, the CSC/designee shall forward the community service partner a Community Service Customer Satisfaction Survey (DRC4295). The community service partner shall return the completed survey to the CSPA who shall forward a copy to the managing officer and the Bureau of Research and Evaluation.

D. Outside Community Service Project Process

The following process shall be followed when completing a community service project off the grounds of an institution:

1. The CSC who receives a request for community service support from a new or established community service partner shall forward the Community Service Application (DRC4261) to the community service partner for completion. The community service partner shall complete and return the application with verification of tax-exempt status, if applicable, to the CSC.
2. The CSC shall review the application to ensure completion. If incomplete, the CSC shall forward the incomplete application to the community service partner requesting additional information. The community service partner must complete the cost savings analysis section of the application (DRC4261). A community service project shall not be approved if the application is incomplete and the verification of tax-exempt status is not supplied, if applicable.
3. If complete, the CSC shall forward the application with a recommendation to the managing officer/designee for approval/disapproval. The managing officer/designee shall approve/disapprove the community service application.

4. If disapproved, the CSC shall forward written notification of the decision to the community service partner. If approved, the designated institution staff shall screen the offenders for the project in accordance with DRC policy 53-CLS-03, Community Release Approval Process, and contact the community service partner and schedule the date and time for the project site visit.
5. The designated institution staff shall conduct the project site visit and complete the Community Service Work Site Plan (DRC4262).
6. The CSC shall forward the Community Service Work Site Plan (DRC4262) with a recommendation to the managing officer/designee. If disapproved, the CSC shall forward written notification of the decision to the community service partner. If approved, the appropriate institution staff shall assign a work site supervisor(s) to the project. The work site supervisor(s) shall receive a copy of the approved Community Service Work Site Plan (DRC4262).
7. The CSC/designee shall initiate the community service project by entering the required information from the application into DOTS Portal to complete section 1 of the Community Service Hours Tracking (DRC4368) electronically and forward the form to the work site supervisor(s) assigned to supervise the project.
8. The designated institution staff shall finalize the community service project work site schedule and contact the partner notifying them of the date the work shall begin.
9. The work site supervisor(s) shall complete section 2 of the Community Service Hours Tracking (DRC4368) when the offender(s) begin working on the project.
10. The work site supervisor(s) shall forward the Community Service Hours Tracking (DRC4368) to the individual responsible for entering the community service data into DOTS Portal. All data must be entered on or before the 7th calendar day of the following month.
11. The work site supervisor(s) shall also complete the Level Offender Observation (DRC2593) for every offender under his or her supervision, in accordance with DRC policy 310-SEC-42, Supervision and Accountability of Level 1 Inmates.
12. Upon project completion, the work site supervisor(s) shall notify the CSC. Within one (1) week of project completion, the CSC shall forward the community service partner a Community Service Customer Satisfaction Survey (DRC4295). The community service partner shall return the completed survey to the CSPA who shall forward a copy to the managing officer and the Bureau of Research and Evaluation.

E. Parole and Community Services

1. The Division of Parole and Community Services (DPCS) shall identify current and potential future community service projects for offenders where applicable and shall make this information available to the offender. Offenders are community members and

are responsible for meeting their community service requirements both in terms of identification and participation.

2. When reviewing/referring offenders under supervision to community service projects, factors that shall be taken into consideration by the supervising parole officer may include:
 - a. Offender's risk level;
 - b. Court orders;
 - c. Parole board conditions;
 - d. Offender's skills and interests;
 - e. Offender's approved risk assessment instrument;
 - f. Violations sanctions; and
 - g. Offender's offense.

If the offender has been convicted of a sex offense, the case shall be referred to the sex offender specialist and the proposed work site approved or disapproved with such information documented in NOTEC.

3. The APA shall not require a work site supervisor to be present at community service projects unless the regional administrator/designee determines that such representation would be appropriate.
4. In areas where there are no formal community service projects, it will be the responsibility of the offender to meet any community services requirements placed upon him/her.
5. Community Control – County Probation Offenders
 - a. In APA regions that provide supervision services to county courts, the APA shall work in conjunction with community partners already established by the county to offer community service projects to community control offenders. The APA shall abide by all guidelines set forth by the county when referring offenders to these community service projects.
 - i. Offenders participating in county operated community service projects shall complete any necessary documentation required by the already established partnership.
 - ii. Offenders participating in county operated community service projects shall also complete Community Service Hours Tracking (DRC4368). This form shall be turned into the supervising parole officer. The supervising officer shall provide a copy of the form to the regional administrator/designee at the completion of the community service project or by the 5th of the month if the project is not complete. A new form shall be started each month for each offender.
 - iii. Offenders are accountable for tracking and reporting their hours to the APA.

- iv. Offenders shall follow any protocols set forth by the county entity in regards to incidents that may occur while participating in the county operated community service project.
 - b. In some APA regions there are, or will be, developed partnerships with county courts that allow for post release control or parole offenders to participate in county operated community service projects. In these arrangements, the above procedure shall be adhered to for this population.
 - c. In those APA regions that provide supervision services to county courts and there are no established community service partnerships, the APA will attempt to develop those partnerships in order to make available to offenders community service projects. The same procedure listed below (Post Release Control – Parole Offenders) will be followed in the establishment of such projects.
6. Post Release Control – Parole Offenders
- a. A Community Services Application (DRC4261) shall be completed by the community service partner and approved or denied by the regional administrator/designee. The community service partner, excluding schools and government agencies, shall provide documentation to verify their 501(c)(3) status.
 - b. All offenders completing community service while under APA supervision shall sign the Release of Liability for Community Service (DRC3518) while under supervision of the APA.
 - c. If needed and/or appropriate, an APA designee may visit the work site to assure all health and safety conditions are acceptable.
 - d. Community partners shall receive written notification by the regional administrator/designee of all projects that are denied and the reason for such denial.
 - e. The regional administrator/designee shall notify all community partners of projects that are approved and coordinate all phases of the project from implementation to termination.
 - f. Offenders participating in community service projects shall complete Offenders Under Supervision-Community Services Hours Tracking form (DRC4368). This form shall be turned into the supervising parole officer. The supervising officer shall provide a copy of the form to the regional administrator/designee at the completion of the community service project or by the 5th of the month if the project is not complete. A new form shall be started each month for each offender.
 - g. If an offender is injured while completing a community service project, it is the offender's responsibility to seek medical treatment on his/her own accord and he/she is responsible for any associated cost.

Attachments:

Attachment A

18 USCS § 1761

Related Department Forms:

Minimum Level 1 Offender Observation

DRC2593

Supervisor Inspection of Level 1 Worksites

DRC2700

Release of Liability for Community Service

DRC3518

Community Service Application

DRC4261

Community Service Work Site Plan

DRC4262

Community Service Hours Tracking

DRC4368

18 USCS § 1761 (2002)

§ 1761. Transportation or importation

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution, shall be fined under this title or imprisoned not more than two years, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State or not-for-profit organizations.

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter [18 USCS §§ 1761 et seq.] shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who --

(1) are participating in -- one of not more than 50 non-Federal prison work pilot projects designated by the Director of the Bureau of Justice Assistance;

(2) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of the gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board, as determined by regulations issued by the chief State correctional officer, in the case of a State prisoner;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

(3) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of law to the contrary; and

(4) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(d) For purposes of this section, the term "State" means a State of the United States and any commonwealth, territory, or possession of the United States.

18 USCS § 1761 (2002)

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